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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/777,759-Conf. #5326	
	Filing Date	February 13, 2004	
	First Named Inventor	Yi-Tsuo WU	
	Art Unit	2828	
	Examiner Name	M. A. Golub	
Total Number of Pages in This Submission	3	Attorney Docket Number	3313-1113P

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BIRCH, STEWART, KOLASCH & BIRCH, LLP		
Signature			
Printed name	Joe McKinney Muncy		
Date	January 30, 2006	Reg. No.	32,334



Docket No.: 3313-1113P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Yi-Tsuo WU et al.

Application No.: 10/777,759

Confirmation No.: 5326

Filed: February 13, 2004

Art Unit: 2828

For: VCSEL AND THE FABRICATION METHOD  
OF THE SAME

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Examiner: M. A. Golub

**REPLY TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated December 28, 2005, the following remarks are respectfully submitted in connection with the above-identified application.

**REMARKS**

Claims 1-17 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-5 and 12-17, drawn to a fabrication method of VCSEL; and

Group II, claims 6-11, drawn to a VCSEL.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-5 and 12-17.**